## REMARKS

Claims 1-29 were examined in the Final Office Action dated November 28 2006. All the claims were rejected. Reconsideration is respectfully requested further in view of the following remarks.

5        Claims 1-2, 4-6, 8-12, 14-16, 18-22, 24-26 and 28-29 were rejected under 35 U.S.C. § 102 (e) as being anticipated by United States Publication Number 2004/0103215 naming as inventor Ernst *et al* (hereafter "Ernst").

A rejection under 35 U.S.C. § 102(e) requires that the reference disclose or teach (or at least shown to be inherent) every element of the claimed feature. Ernst does not

10        meet such a criteria as shown below.

In particular, previously presented claim 1 recites, "... wherein said determining checks a processing load on ***each of said first end system and said second end system...***" (***Emphasis Added***).

Thus, for proper anticipating under 35 U.S.C. § 102(e), Ernst would require to

15        teach the determining of processing load on both server (105 of Figure 1, 205 in Figure 2, or 305 in Figure 3 of Ernst) and client (120 of Figure 1, 220 in Figure 2, or 320 in Figure 3 of Ernst).

Ernst does not disclose determining of processing load on client 120/220/320.

The Examiner relies on the below text of Ernst in anticipating such a feature:

20        "routine 315 in accordance with one embodiment of the invention begins by determining certain client 320/browser 325 information (block 400). For example, routine 315 may determine the approximate data transfer rate between browser 325 and web server 210 during set-up operations. In addition, routine 315 may ascertain if browser 325 supports decompression utilities" (Paragraph 21) and

25        "a further check is made to determine ***if the central processor unit executing routine 315 and/or designated to compress data for routine 315 is below a***

*specified utilization (decision block 430).* The check of block 430 may be performed to ensure that server 305 (or a functional unit associated with server 305) is not tasked to perform a computationally intensive job (the act of compressing data) if it is already heavily utilized for other tasks" (Paragraph 21).

5          (Page 4, lines 5-16 of Final Office Action of November 28 2006, *Emphasis Added*)

In the same paragraph, Ernst further teaches:

          ... a further check is made to determine if the central processor unit executing routine 315 and/or designated to compress data for routine 315 is below a specified utilization (decision block 430). The check of block 430 may be

10          performed to ensure that *server 305 (or a functional unit associated with server 305) is not tasked to perform a computationally intensive job (the act of compressing data) if it is already heavily utilized for other tasks.* For example, a utilization threshold may be set at a specified percentage of the processor's total

15          capacity. In some embodiments, this threshold may be set at the user's discretion anywhere from 0% to 100%. For example 85%. If *routine 315's processor's utilization* is at or above the specified threshold (the "YES" prong of decision block 430), data received from web server 310 during the acts of block 405 is passed or relayed to browser 325 without further processing (block 415). If

20          routine 315's processor's utilization is below the specified threshold (the "NO" prong of decision block 430), routine 315 determines if it has previously compressed the data (decision block 435). (See discussion below regarding FIGS. 7 and 8.)
          (Paragraph 21 of Ernst, *Emphasis Added*)

25          At least from the above emphasized language of Ernst, it is believed that Ernst checks processor utilization on server 105/205/305, but not on client 120/210/320.

Accordingly, Ernst does not anticipate the invention of claim 1 under 35 U.S.C. § 102(e).

Ernst does not anticipate claim 1 in not teaching the claimed feature of, "...

30          determines *not to send said data in said compressed format if the processing load on either end system* is determined to be more than a first threshold." (*Emphasis Added*)

Thus, the method of claim 1determines not to send data in compressed format if

threshold violation is observed on either end system. Thus, if threshold violation is observed in either the first end system or the second end system, the data is not sent in compressed format.

5          In sharp contrast, the threshold violation with respect to processor utilization is believed to be checked in server systems only in Ernst. As Ernst does not teach or suggest determining threshold violation (with respect to processor utilization) in the client system 120/210/320, Ernst does not anticipate claim 1 under 35 U.S.C. § 102(e).

Accordingly, it is respectfully requested that the outstanding rejection under 35 U.S.C. § 102(e) over Ernst be withdrawn.

10          In the interest of furthering expeditious prosecution, it is also noted that Ernst would not render obvious the invention of claim 1. In support of the assertion, the Examiner's attention is directed to the below portion of Ernst (which teaches away from any modifications required in client systems of Ernst):

15          The invention relates generally to data compression *and more particularly to server-side only techniques for the selective compression of data* based on user-specified controls in an web-based operating environment. As used herein, the phrase *"server-side only" refers to techniques that rely on the execution of routines on a server computer system* and, in particular, *do not rely on or require the installation and operation of special purpose software or hardware on a*
20          *client computer system specifically designed to operate with those routines*.
(Page 2, Paragraph 0019 of Ernst, *Emphasis Added*)

Thus, claim 1 is allowable over Ernst. The other independent claims 11 and 21 are allowable over Ernst for similar reasons. The dependent claims are allowable at least as depending from the corresponding allowable base claim.

25          Previously presented claim 8 is allowable in reciting, "... said speed is determined by including *a first local time stamp in a packet sent to said second end system*, and receiving *a second time stamp and a third time stamp* from said second end system at a time specified by *a fourth local time stamp*, wherein said second time stamp indicates

a time at which said packet is received in said second end system and said third time stamp indicates a time at which said packet is sent from said second end system, wherein said speed is determined based on said first local time stamp, said second time stamp, said third time stamp, and said fourth time stamp. (***Emphasis Added***)

5          Thus, previously presented claim 8 recites four time stamps, with the second time stamp indicating a time at which the packet is received in the second end system, the third time stamp indicating the time at which the packet is sent from the second end system, the fourth time stamp indicating a local time at which the packet is received in the first end system, and the first time stamp also being a local time stamp of the first end system

10        included in the packet when sending.

Accordingly it is asserted that all the four time stamps relate to determining speed while using a single packet.

Even assuming arguendo that the claimed speed is the same as "transmission rate" in Ernst, relied upon in the Outstanding Office Action, it is respectfully noted that Ernst

15        does not teach the specific way of determining the transmission rate. In support of the assertion, Applicants first quote the relevant portion of Ernst relied upon by the Examiner:

"Next, the time needed to transmit the compressed data object based on the transmission rate calculated in accordance with block 400 of FIG. 4 and recorded in connection database 700 is determined (block 905), A similar calculation is

20        performed to determine the time needed to transmit the uncompressed data object (block 910)" (Paragraph 25).

Applicants do not find references to the claimed time stamps in the text above for proper anticipation under 35 U.S.C. § 102 (e).

25        Withdrawal of the rejection under 35 U.S.C. § 102(e) with respect to claim 8 is respectfully requested for this additional reason as well. Claims 18 and 28 are also believed to be allowable over the art of record for similar reasons.

## *Conclusion*

Thus, all the objections and rejections are believed to be overcome, at least in view of the above remarks. Withdrawal of the final rejection and continuation of examination is respectfully requested. The Examiner is invited to telephone the undersigned

5          representative if it is believed that an interview might be useful for any reason.

Respectfully submitted,

/Narendra Reddy Thappeta/
                    Signature
Date: January 24, 2007          Printed Name: Narendra Reddy Thappeta
                    Attorney for Applicant
                    Registration Number: 41,416